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Security Council

Fifty-fourth Year

Provisional

3988th Meeting

Wednesday, 24 March 1999, 5.35 p.m.

New York

President:	Mr. Qin Huasun	(China)
Members:	Argentina	Mr. Petrella
	Bahrain	Mr. Buallay
	Brazil	Mr. Cordeiro
	Canada	Mr. Fowler
	France	Mr. Dejammet
	Gabon	Mr. Dangue Réwaka
	Gambia	Mr. Jagne
	Malaysia	Mr. Hasmy
	Namibia	Mr. Andjaba
	Netherlands	Mr. van Walsum
	Russian Federation	Mr. Lavrov
	Slovenia	Mr. Türk
	United Kingdom of Great Britain and Northern Ireland	Sir Jeremy Greenstock
	United States of America	Mr. Burleigh

Agenda

Letter dated 24 March 1999 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council (S/1999/320)

99-85209 (E)

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The meeting was called to order at 5.50 p.m.

Adoption of the agenda

The agenda was adopted.

Letter dated 24 March 1999 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council (S/1999/320)

The President (*spoke in Chinese*): I should like to inform the Council that I have received letters from the representatives of Belarus, Germany and India, in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Martynov (Belarus), Mr. Kastrup (Germany) and Mr. Sharma (India) took the seats reserved for them at the side of the Council Chamber.

The President (*spoke in Chinese*): I have received a request dated 24 March 1999 from Mr. Vladislav Jovanović to address the Security Council. With the consent of the Council, I would propose to invite him to address the Council in the course of its discussion of the item before it.

There being no objection, it is so decided.

At the invitation of the President, Mr. Jovanović took a seat at the Council table.

The President (*spoke in Chinese*): The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in response to the request contained in a letter dated 24 March 1999 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council, document S/1999/320.

I should like to recall Security Council resolutions 1160 (1998), 1199 (1998) and 1203 (1998).

I should also like to draw the attention of the members of the Council to letters dated 24 March 1999 from the Chargé d'affaires *ad interim* of the Permanent Mission of Yugoslavia to the United Nations addressed to the President of the Security Council and from the Permanent Representative of Belarus to the United Nations addressed to the President of the Security Council, documents S/1999/322 and S/1999/323 respectively.

Mr. Lavrov (Russian Federation) (*spoke in Russian*): The Russian Federation is profoundly outraged at the use by the North Atlantic Treaty Organization (NATO) of military force against the Federal Republic of Yugoslavia. In recent weeks, when we were constantly hearing threats — detrimental to the negotiating process — that there would be missile strikes against Serbian positions in Kosovo and other parts of Serbia, the Russian Government strongly proclaimed its categorical rejection of the use of force in contravention of decisions of the Security Council and issued repeated warnings about the long-term harmful consequences of this action not only for the prospects of a settlement of the Kosovo situation and for safeguarding security in the Balkans, but also for the stability of the entire modern multi-polar system of international relations.

Those who are involved in this unilateral use of force against the sovereign Federal Republic of Yugoslavia — carried out in violation of the Charter of the United Nations and without the authorization of the Security Council — must realize the heavy responsibility they bear for subverting the Charter and other norms of international law and for attempting to establish in the world, de facto, the primacy of force and unilateral diktat.

The members of NATO are not entitled to decide the fate of other sovereign and independent States. They must not forget that they are not only members of their alliance, but also Members of the United Nations, and that it is their obligation to be guided by the United Nations Charter, in particular its Article 103, which clearly establishes the absolute priority for Members of the Organization of Charter obligations over any other international obligations.

Attempts to justify the NATO strikes with arguments about preventing a humanitarian catastrophe in Kosovo are completely untenable. Not only are these attempts in no way based on the Charter or other generally recognized rules of international law, but the

unilateral use of force will lead precisely to a situation with truly devastating humanitarian consequences. Moreover, by the terms of the definition of aggression adopted by the General Assembly in 1974,

> "No consideration of whatever nature, whether political, economic, military or otherwise, may serve as a justification for aggression". (*General Assembly resolution 3314 (XXiX), annex, article 5, para. 1*)

We certainly do not seek to defend violations of international humanitarian law by any party. But it is possible to combat violations of the law only with clean hands and only on the solid basis of the law. Otherwise lawlessness would spawn lawlessness. It would be unthinkable for a national court in a civilized democratic country to uphold illegal methods to combat crime. Attempts to apply a different standard to international law and to disregard its basic norms and principles create a dangerous precedent that could cause acute destabilization and chaos on the regional and global level. If we do not put an end to this very dangerous trend, the virus of illegal unilateral approaches could spread not merely to other geographical regions but to spheres of international relations other than questions of peace and security.

The fact that NATO has opted to use force in Kosovo raises very serious questions about the sincerity of the repeated assurances that that alliance was not claiming the role of the world's policeman and was prepared to cooperate in the interests of common European security. In the light of this turn of events, we shall draw the appropriate conclusions in our relations and contacts with that organization.

NATO's decision to use military force is particularly unacceptable from any point of view because the potential of political and diplomatic methods to yield a settlement in Kosovo has certainly not been exhausted. The enormous quantity of complicated work done by the international community has now been dealt a very powerful, a very grave and probably an irrevocable blow.

The Russian Federation vehemently demands the immediate cessation of this illegal military action against the Federal Republic of Yugoslavia. We reserve the right to raise in the Security Council the question of the adoption by the Council, under the United Nations Charter, of appropriate measures with respect to this situation, which has arisen as a result of NATO's illegal actions and which poses a clear threat to international peace and security.

Today, the President of the Russian Federation, Boris N. Yeltsin, issued the following statement:

> "Russia is profoundly outraged by NATO's military action against sovereign Yugoslavia, which is nothing less than an act of open aggression.
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> "Only the Security Council can decide on what measures, including the use of force, should be taken to maintain or restore international peace and security. The Security Council did not take such decisions with regard to Yugoslavia. Not only the Charter of the United Nations has been violated; the Founding Act on Mutual Relations, Cooperation and Security Between NATO and The Russian Federation has been violated as well. A dangerous precedent has been created regarding the policy of diktat and force, and the whole of the international rule of law has been threatened.
>
> "We are basically talking about an attempt by NATO to enter the twenty-first century in the uniform of the world's policeman. Russia will never agree to that.
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> "The Security Council must discuss the situation that has emerged and demand the immediate cessation of NATO's use of force.
>
> "For its part, the leadership of the Russian Federation will review its relationship with NATO as an organization, which has shown disrespect for the fundamental basis of the system of international relations.
>
> "As President and Supreme Commander, I have already given the following instructions: to cut short the visit to the United States of the Chairman of the Government of the Russian Federation, Yevgeny Primakov; to demand an urgent convening of a meeting of the Security Council of the United Nations and to seek an immediate cessation of NATO's military action; to recall to Moscow the chief military representative of the Russian Federation to NATO; to suspend our participation in the Partnership for Peace programme and to end the carrying out of the programme on Russia-NATO partnership; and to postpone talks for the opening of a NATO liaison mission in Moscow.
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> "I have already appealed to the President of the United States, Bill Clinton, and to the leaders of

other NATO member countries to put an immediate end to this military adventure, which threatens the lives of peaceful people and could lead to an explosion of the situation in the Balkans.

"A settlement of the situation in Kosovo, as the settlement of other similar problems, is only possible through negotiations. The quicker they are resumed, the greater the possibility for the international community to find a political settlement to the situation. Russia is prepared to interact with other members of the Contact Group in order to reach that goal.

"Those who decided upon military adventure bear the full responsibility to their peoples and to the world community for the dire consequences of this for international stability.

"If the military conflict increases, then Russia reserves the right to take adequate measures, including military measures, to ensure its own and common European security."

Mr. Burleigh (United States of America): The current situation in Kosovo is of grave concern to all of us. We and our allies have begun military action only with the greatest reluctance. But we believe that such action is necessary to respond to Belgrade's brutal persecution of Kosovar Albanians, violations of international law, excessive and indiscriminate use of force, refusal to negotiate to resolve the issue peacefully and recent military build-up in Kosovo — all of which foreshadow a humanitarian catastrophe of immense proportions.

We have begun today's action to avert this humanitarian catastrophe and to deter further aggression and repression in Kosovo. Serb forces numbering 40,000 are now in action in and around Kosovo. Thirty thousand Kosovars have fled their homes just since 19 March. As a result of Serb action in the last five weeks, there are more than 60,000 new refugees and displaced persons. The total number of displaced persons is approaching a quarter of a million.

The continuing offensive by the Federal Republic of Yugoslavia is generating refugees and creating pressures on neighbouring countries, threatening the stability of the region. Repressive Serb action in Kosovo has already resulted in cross-border activity in Albania, Bosnia and the former Yugoslav Republic of Macedonia. Recent actions by Belgrade also constitute a threat to the safety of international observers and humanitarian workers in Kosovo.

Security Council resolutions 1199 (1998) and 1203 (1998) recognized that the situation in Kosovo constitutes a threat to peace and security in the region and invoked Chapter VII of the Charter. In resolution 1199 (1998), the Council demanded that Serbian forces take immediate steps to improve the humanitarian situation and avert the impending humanitarian catastrophe.

In October 1998, Belgrade entered into agreements and understandings with the North Atlantic Treaty Organization (NATO) and the Organization for Security and Cooperation in Europe (OSCE) to verity its compliance with Security Council demands, particularly on reduction of security forces, cooperation with international observers, cooperation with humanitarian relief agencies and negotiations on a political settlement for substantial autonomy. Belgrade has refused to comply.

The actions of the Federal Republic of Yugoslavia also violate its commitments under the Helsinki Final Act, as well as its obligations under the international law of human rights. Belgrade's actions in Kosovo cannot be dismissed as an internal matter.

For months, Serb actions have led to escalating explosions of violence. It is imperative that the international community take quick measures to avoid humanitarian suffering and widespread destruction, which could exceed that of the 1998 offensive.

I reiterate that we have initiated action today with the greatest reluctance. Our preference has been to achieve our objectives in the Balkans through peaceful means. Since fighting erupted in February 1998, we have been actively engaged In seeking resolution of the conflict through diplomacy under the auspices of the Contact Group backed by NATO. These efforts led to talks in Rambouillet and Paris, which produced a fair, just and balanced agreement. The Kosovar Albanians signed that agreement, but Belgrade rejected all efforts to achieve a peaceful resolution.

We are mindful that violations of the ceasefire and provocations by the Kosovo Liberation Army have also contributed to this situation. However, it is Belgrade's systematic policy of undermining last October's agreements and thwarting all diplomatic efforts to resolve

the situation which have prevented a peaceful solution and have led us to today's action.

In this context, we believe that action by NATO is justified and necessary to stop the violence and prevent an even greater humanitarian disaster. As President Clinton said today,

> "We and our allies have a chance to leave our children a Europe that is free, peaceful and stable. But we must act now to do that".

The President *(spoke in Chinese)*: I should like to inform the Council that I have received letters from the representatives of Albania and Bosnia and Herzegovina, in which they request to be invited to participate in the discussion of the item on the Council's agenda.

In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of theCouncil's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Nesho (Albania) and Mr. Sacirbey (Bosnia and Herzegovina) took the seats reserved for them at the side of the Council Chamber.

Mr. Fowler (Canada) *(spoke in French)*: The international community is facing a situation in which a Government at the heart of Europe is flouting the most fundamental rights of its citizens using disproportionate force to suppress dissidents, sending its armoured tanks and artillery to destroy villages, killing innocent civilians and forcing hundreds of thousands of persons to leave their homes in the cold of winter.

For ten years we have been witnessing the tragedy being played out in the Balkans: first in Slovenia, next in Croatia and then in Bosnia. During the past year, the same disproportionate violence against the civilians of an ethnic group has prevailed in Kosovo.

The international community has spared no effort to encourage the Federal Republic of Yugoslavia to conclude a peaceful agreement with the Albanian population of Kosovo. Many diplomatic missions have been sent to Belgrade, and the Security Council of the United Nations, acting under Chapter VII of the Charter, has adopted important resolutions identifying this conflict as a threat to the peace and security of the region.

(spoke in English)

Resolutions 1199 (1998) and 1203 (1998) and the October agreements among the Federal Republic of Yugoslavia, the Organization for Security and Cooperation in Europe (OSCE) and the North Atlantic Treaty Organization (NATO) impose clear legal obligations on the Federal Republic of Yugoslavia to respect a ceasefire, protect its civilian population and limit the deployment of its security forces in Kosovo. An important element of these agreements was the creation of a Verification Mission under the auspices of the Organization for Security and Cooperation in Europe. Its purpose was not only to monitor the ceasefire, but also to build confidence in the region.

Most recently, the parties were convened at an international peace conference in Rambouillet, where they were urged to abandon their maximalist positions and accept an honourable compromise for peace. Ultimately, the Kosovars demonstrated courage and vision by signing the Rambouillet peace agreement. The only holdout was the Yugoslav President, who refused to move from his utterly intransigent position.

Unfortunately, the intensive and exhaustive diplomatic efforts of the international community did not succeed. The looming humanitarian disaster caused by President Milosevic's refusal to accept any peaceful compromise leaves the international community with very few options. Every day, the situation worsens and it is the civilian population — principally women and children — that suffers. According to the United Nations High Commissioner for Refugees, over 450,000 people have been displaced by the conflict in Kosovo, including over 260,000 internally displaced within Kosovo. In the last few days alone, over 25,000 persons have been forced to leave their homes.

As long as it remains unresolved, the conflict in Kosovo threatens to precipitate a far larger humanitarian disaster and destabilize the entire region. In Canada, our preference has always been for a diplomatic solution and the diplomatic track has been given every chance to succeed. The continuing oppression in Kosovo by the Government in Belgrade, through its armed forces and police; the continuing failure on the part of the Milosevic Government to implement the agreements it has made with the OSCE and NATO; and its continuing refusal to

act in compliance with the requirements of successive Security Council resolutions — actions which, I repeat, have only contributed to an increase in tension and have created a major humanitarian disaster — have left NATO with no choice but to take action.

NATO's objectives are to avert an ever-widening humanitarian crisis. The Federal Republic of Yugoslavia must comply with its obligations, including respect for a ceasefire, an end to violence against the civilian population, and full observance of limits on the Federal Republic of Yugoslavia's security forces, as agreed on 25 October 1998.

Humanitarian considerations underpin our action. We cannot simply stand by while innocents are murdered, an entire population is displaced, villages are burned and looted, and a population is denied its basic rights merely because the people concerned do not belong to the "right" ethnic group. We remain deeply concerned about further atrocities, and those responsible should be well aware that they will be held accountable.

Mr. Türk (Slovenia): The situation being discussed today relates principally to Kosovo. The Security Council has been seized of the situation in Kosovo for about a year now. Throughout this entire period, the situation has been deteriorating and the extent of human suffering and humanitarian problems has been increasing. The threat of the situation in Kosovo to international peace and security has been growing. The Security Council has adopted three resolutions on Kosovo, all of them under Chapter VII of the United Nations Charter. They represent a clear expression of the will of the international community to assist in devising a solution and a framework for action in search of the solution.

Slovenia regrets that the developments in Kosovo have brought the international community to the point at which all diplomatic means have been exhausted and military action in the Federal Republic of Yugoslavia has become inevitable. The constant endeavours of the international community to achieve a diplomatic solution to the crisis and to prevent a humanitarian catastrophe of even greater extent have yielded no results. in view of this tragic moment for the peoples in that part of Europe, we would like to emphasize that the tragedy is the result and consequence of the erroneous policy of the Belgrade Government alone.

The current situation was not inevitable. A diplomatic solution was not impossible. Let me recall that, not long ago, the Council welcomed and supported the negotiating process conducted by the Contact Group in France, which aimed at reaching a political settlement between the parties and at establishing a framework and timetable for that purpose.

Slovenia, for its part, has all along supported a peaceful solution to the Kosovo problem that would include broad autonomy for Kosovo with due respect for the internationally recognized borders of the Federal Republic of Yugoslavia (Serbia and Montenegro). Slovenia, through its Prime Minister, has been actively engaged in the efforts of the international community to achieve this aim. Slovenia supports the agreement prepared by the Contact Group on the basis of the results of extensive discussions with the parties during the course of the second half of 1998. We believe that the political part of the agreement on the autonomy of Kosovo and the part on the implementation of the agreement constitute a whole and provide the only realistic way to stabilize the situation in Kosovo. The interim period of three years would also provide enough time to continue the search for a balanced and long-term solution, as well as for the restoration of and reconciliation among the Serbian and Albanian communities in Kosovo.

Unfortunately, the efforts of the international community were in vain, since the Belgrade Government was not ready to agree to a political solution of the crisis. The military activities and those of the special Serbian police forces in Kosovo against the civilian population have not ceased, despite the numerous demands of the Security Council in its resolutions and despite the commitments made by the Belgrade Government to that effect. On the contrary, in recent months and weeks, the military action against the civilian population has further escalated. The attacks have become more violent, thus causing an even greater humanitarian catastrophe. According to the recent figures published by the Office of the United Nations High Commissioner for Refugees (UNHCR), there are already about half a million refugees and internally displaced persons. This situation represents a case of massive violation of the relevant Security Council resolutions, in particular resolution 1199 (1998) of 23 September 1998, which called for an immediate end to all military activity against the civilian population. The threat to international peace and security in the region is looming large.

Today's meeting is a sombre occasion for various reasons. I wish to emphasize this: It is most deplorable that the Security Council has to meet to discuss the

consequences of systematic and brutal violations of its own resolutions. This is the main source of our concern today.

We regret the fact that not all permanent members were willing to act in accordance with their special responsibility for the maintenance of international peace and security under the United Nations Charter. Their apparent absence of support has prevented the Council from using its powers to the full extent and from authorizing the action which is necessary to put an end to the violations of its resolutions.

It is our expectation and belief that the action which is being undertaken will be carried out strictly within the substantive parameters established by the relevant Security Council resolutions. We would also like to express our hope that a peace agreement on Kosovo will be reached in the shortest possible time. We will continue to actively support the endeavours of the international community to achieve a mutually acceptable solution under international supervision.

Mr. Buallay (Bahrain) *(spoke in Arabic):* Our delegation regrets the recent developments in Kosovo, which have finally led to the use of military force against the forces of the Federal Republic of Yugoslavia. We have long called for a peaceful settlement of the Kosovo crisis through serious and constructive dialogue between the parties to the conflict.

However, the authorities in Belgrade unfortunately insisted on their position and did not seize the opportunity afforded them in Rambouillet. Those authorities insisted on pursuing a policy of repression against the Kosovar Albanian community, a policy that started when those authorities put an end to the autonomy enjoyed by Kosovo until 1989. It would seem as if they have quickly forgotten or disregarded the lessons drawn from the tragic experience of Bosnia and Herzegovina.

It would also seem that the authorities in Belgrade do not want the Balkan region to enjoy the peace and stability so sorely missed by the peoples of the region. The policy of "ethnic cleansing" and the denial of the fundamental rights of the Kosovar Albanians can bring only destruction and instability to the Federal Republic of Yugoslavia. Such a policy has also led to the displacement of thousands of Kosovo inhabitants. There are more than 200,000 displaced persons within Kosovo, in addition to the thousands of others who have sought refuge in neighbouring countries. The problem has indeed become extremely serious, and a humanitarian catastrophe is looming.

Our delegation hopes that the authorities in Belgrade will come to their senses and obey the dictates of reason and logic with a view to achieving peace and stability in the Federal Republic of Yugoslavia and in the Balkan region in general. This can become reality only if they enter into a serious and constructive dialogue and commit to all relevant Security Council resolutions and to cooperation with the international community in order to put an end to the conflict in Kosovo.

Mr. Jagne (Gambia): The situation in Kosovo, in the Federal Republic of Yugoslavia, is a cause of great concern to my delegation. Like all peace-loving nations, we in the Gambia are very much attached to the sacrosanct principle of the peaceful settlement of disputes, as enshrined in the Charter of the United Nations.

Throughout the past year, the international community has deployed a great deal of effort in order to find a peaceful settlement to the question concerning Kosovo. Unfortunately, however, many opportunities to resolve the crisis were missed, for reasons well known to all of us, including the latest talks in Paris.

Meanwhile, the onslaught against the ethnic Albanian community in Kosovo continued unabated. The international community time and again called on the authorities in Belgrade to respect human rights and to cooperate with the international community with a view to settling peacefully the question of greater autonomy for Kosovo, but to no avail.

As far as my delegation is concerned, we cannot remain indifferent to the plight of the murdered people of Kosovo. In recent times, the actions of the Federal Republic of Yugoslavia Government in Kosovo have caused an untold amount of suffering among the Kosovar Albanians and have generated thousands and thousands of refugees and displaced persons.

It is the responsibility of any Government to protect its citizens. We speak with great regret of the fact that the international community had to take the action it took today. Of course, regional arrangements have responsibility for the maintenance of peace and security in their areas. The Security Council, however, has the primary responsibility for the maintenance of international peace and security, as clearly stated in the Charter of the United Nations.

It must be noted, though, that at times the exigencies of a situation demand, and warrant, decisive and immediate action. We find that the present situation in Kosovo deserves such a treatment. The action started today by the international community could have been avoided, for the action could still be prevented. We therefore call on those with whom the responsibility lies to take the necessary action to prevent a continuation of this action before it is too late.

Mr. van Walsum (Netherlands): We have participated in and assumed responsibility for the North Atlantic Treaty Organization (NATO) decision because there was no other solution. As for the Netherlands, this decision was not taken lightly; it was taken with conviction. Responsibility for the NATO action lies squarely with President Milosevic. He is responsible for the large-scale violations of the October agreements with the Organization for Security and Cooperation in Europe (OSCE) and NATO. It is President Milosevic's recourse to violence in Kosovo that has finally convinced us that the impending humanitarian catastrophe, at which the Council expressed its alarm in its resolutions of September and October, could not be averted by peaceful means.

In some capitals, our determination to avoid a humanitarian catastrophe in Kosovo has apparently been underestimated. It goes without saying that a country — or an alliance — which is compelled to take up arms to avert such a humanitarian catastrophe would always prefer to be able to base its action on a specific Security Council resolution. The Secretary-General is right when he observes in his press statement that the Council should be involved in any decision to resort to the use of force. If, however, due to one or two permanent members' rigid interpretation of the concept of domestic jurisdiction, such a resolution is not attainable, we cannot sit back and simply let the humanitarian catastrophe occur. In such a situation we will act on the legal basis we have available, and what we have available in this case is more than adequate.

The Netherlands has been deeply involved in the events in the former Yugoslavia ever since the beginning of the breakup of the Socialist Federal Republic of Yugoslavia on 25 June 1991. In spite of this, we have accepted a situation in which the leading role was played by a Contact Group of which Russia is an important member. Our acceptance of this arrangement was always based on the assumption that Russia had so much influence in Belgrade that it could persuade President Milosevic to accept a reasonable solution. The present state of affairs should convince every delegation that with regard to the problem of Kosovo, the diplomatic means of finding a solution are now exhausted. As stated by the Secretary-General, diplomacy has failed, but there are times when the use of force may be legitimate in the pursuit of peace. The Netherlands feels that this is such a time.

Allow me further to refer to the statement issued by the European Council in Berlin on behalf of the European Union. The Permanent Representative of Germany will later draw the Council's attention to that statement.

Mr. Enio Cordeiro (Brazil): The Brazilian Government is attentively following the situation in Kosovo and expresses its concern about the most recent developments in the crisis, including the humanitarian aspects. In conformity with its unflinching commitment to the pacific settlement of disputes, the Brazilian Government regrets that the escalation of tensions has resulted in recourse to military action.

Mr. Dejammet (France) (*spoke in French*): Drawing lessons from the tragedy that took place in Bosnia and Herzegovina, France and its partners in the Contact Group mobilized very early to react to the crisis in Kosovo, the Federal Republic of Yugoslavia. That action was aimed at bringing to an end the violence by the parties and at arriving at a comprehensive settlement of the conflict.

The Security Council also endorsed those concerns, in particular in resolutions 1160 (1998), 1199 (1998) and 1203 (1998), which it adopted in relation to the situation in Kosovo. The Council indicated that in those resolutions it was acting under Chapter VII of the Charter.

In resolutions 1199 (1998) and 1203 (1998), the Security Council affirmed that the deterioration of the situation in Kosovo posed a threat to peace and security in the region. In resolution 1199 (1998), the Council demanded in particular that the Belgrade authorities immediately cease hostilities and maintain a ceasefire in Kosovo; that they take immediate steps to avert the impending humanitarian catastrophe; that they cease all action by the security forces affecting the civilian population and order the withdrawal of security units used for repression of civilians; and that they make rapid progress, in the framework of a dialogue with the Albanian community of Kosovo, towards a political solution to the problems of Kosovo.

In resolution 1203 (1998), the Security Council furthermore endorsed and supported the agreements concluded between the Federal Republic of Yugoslavia and the Organization for Security and Cooperation in Europe on the one hand, and between the Federal Republic of Yugoslavia and the North Atlantic Treaty Organization on the other. The Council demanded the prompt and full implementation of those agreements by the Federal Republic of Yugoslavia. Those agreements included precise commitments and obligations on the part of the Yugoslav Government.

Those obligations were not respected by Belgrade. However, every effort was made to prompt the Yugoslav Government to meet its obligations on the ground and to adhere to the Rambouillet agreements. Those efforts have been exhausted.

In recent weeks we have witnessed, together with the inflexibility of the Belgrade authorities in negotiating a peace agreement, an increase in tension and confrontation, with the massing of a powerful offensive capacity by the Yugoslav army, inspiring fears that there will be a new upsurge of massacres in a community of 2 million people. We cannot abandon that community to violent repression. What is at stake today is peace, peace in Europe — but human rights are also at stake.

The actions that have been decided upon are a response to the violation by Belgrade of its international obligations, which stem in particular from the Security Council resolutions adopted under Chapter VII of the United Nations Charter. The Belgrade authorities must be persuaded that the only way to settle the crisis in Kosovo is for them to halt their military offensives in Kosovo and to accept the framework defined by the Rambouillet agreements.

Mr. Hasmy (Malaysia): The Security Council is meeting today in reaction to the dramatic developments that are now taking place in Kosovo. For the past 13 months the continuing crisis in Kosovo has caused tremendous hardship and suffering to the civilian population in the province. The continued repressive actions on the part of the Yugoslav security forces against the Kosovar Albanian community, which have again intensified during the past few days, have led to tragic humanitarian consequences. Many lives have been lost, while more than half a million Kosovar Albanians have been forced to flee their burning homes and villages and seek refuge elsewhere in Kosovo and in the neighbouring countries.

The violence against the civilian population has been on the increase in recent weeks and days. The intensified terror tactics and military assaults by the Yugoslav forces against the ethnic Albanian community in many parts of the province represent the continuation of a systematic repression by the Yugoslav authorities to drive innocent civilians, especially women and children, out of Kosovo, reminiscent of the policy of ethnic cleansing that was carried out during the dark days of the Bosnian crisis.

According to the Organization for Security and Cooperation in Europe, the current security environment in Kosovo is characterized by a disproportionate use of force, including heavy weaponry, by the Yugoslav authorities against the poorly armed Kosovar Albanians. One thing should be clear: combating the so-called acts of terrorism in Kosovo does not in any way justify gross human rights violations or the failure to respect international norms and international humanitarian law.

The Security Council supported the peace process initiated by the Contact Group back in January this year, which was designed to settle the crisis in Kosovo through peaceful means. My delegation cannot fail to express its appreciation for the strenuous efforts made by the members of the Contact Group, and in particular those that were determined to bring about the success of the peace negotiations in Rambouillet, which resumed in Paris last week. Unfortunately, the outcome of the negotiations was not as the international community had expected. Yugoslavia continues to reject the Rambouillet accords and has rebuffed all efforts to change its mind, while the Kosovar Albanian side has put its signature on them, despite serious reservations on its part. My delegation welcomes the decision by the Kosovar Albanian delegation to sign the Rambouillet accords. By that act, the Kosovar Albanians have chosen the path of peace, instead of continued conflict. That was, indeed, a courageous decision which ought to be commended by the international community and this Council.

My delegation believed that the crisis in Kosovo could have been resolved through dialogue and negotiations predicated on good faith and the necessary political will on the part of the parties concerned. Clearly, the Kosovar Albanian side has demonstrated this good faith and political will but, regrettably, the Yugoslav authorities have not. We had hoped that the intensive diplomatic efforts, culminating in the Rambouillet talks in February, which resumed in Paris last week, including all the efforts made right up to the eleventh hour, to secure an agreement from Belgrade,

would succeed in finding a peaceful settlement and thereby avert the catastrophic humanitarian situation now unfolding in Kosovo. Regrettably, the hopes and expectations of the international community were dashed by the continued intransigence of the Yugoslav leadership.

As a matter of principle, my delegation is not in favour of the use or threat of use of force to resolve any conflict situation, regardless of where it occurs. If the use of force is at all necessary, it should be a recourse of last resort, to be sanctioned by the Security Council, which has been vested with primary responsibility for the maintenance of international peace and security. The ongoing conflict in Kosovo could indeed — and will — have international repercussions, given the still volatile situation in some of the neighbouring countries. In any case, the international community cannot afford to stand idly by, given the dimension of the violence on the ground and the worsening humanitarian conditions in Kosovo in the wake of the repressive military actions carried out by the Serbian and Yugoslav authorities.

My delegation would have wished that the crisis in Kosovo could be dealt with directly by the Council. It is regrettable that, given the divisions in the Council on this subject, during the past 13 months it has not been able to address the issue in any meaningful way. It is regrettable that in the absence of a consensus in the Council — thanks, or rather, no thanks, to the irreconcilable differences among permanent members — the Council has been denied the opportunity to firmly and decisively pronounce on this issue, as expected of it by the international community. We regret that in the absence of Council action on this issue it has been necessary for action to be taken outside of the Council.

We are seriously concerned about the current situation on the ground when, with the withdrawal of international observers and the onset of military actions by the North Atlantic Treaty Organization (NATO), the Yugoslav authorities are likely to unleash their preponderant military might upon the poorly armed Albanians in retaliation. If this happens, the humanitarian impact on the Kosovar civilian population will be enormous and tragic indeed. This aspect of the problem must be immediately addressed by the international community and this Council. My delegation joins others in calling for international readiness to provide humanitarian assistance to the Kosovar Albanians.

Mr. Andjaba (Namibia): The current crisis in the Serbian province of Kosovo in particular and in the Federal Republic of Yugoslavia in general is a source of great concern to us. The degree of brutality perpetrated on the civilian population, the massacre of women, children and the elderly, the displacement of people from their homes, kidnappings and the wanton destruction of property continue to take place in Kosovo.

What we have been yearning for in the Federal Republic of Yugoslavia, as in any crisis situation, is peace. More violence and destruction cannot salvage peace.

In numerous cases of conflict situations it has been the view of the Security Council — and rightly so — that military action is not the solution, but rather that peaceful means should be resorted to. This principle has been reaffirmed time and time again — and even recently, during the open meeting that the Council convened on Friday, 19 March 1999. It is a principle that we believe should not be used selectively.

My delegation wishes to underscore that military action against the Federal Republic of Yugoslavia may not be the solution. Furthermore, the implications of this action may go beyond the Federal Republic of Yugoslavia, thereby posing a serious threat to peace and security in the region.

Therefore, my delegation appeals for the immediate cessation of the ongoing military action and for the exhausting of all possible avenues for a peaceful resolution of the conflict.

Mr. Dangue Réwaka (Gabon) (*spoke in French*): The delegation of Gabon has always supported the efforts made by the Contact Group to lead the Federal Republic of Yugoslavia to grant greater autonomy to its Kosovo province.

Like the members of the Contact Group, we have condemned the acts of terrorism committed by the Kosovo Liberation Army. We have also condemned the repressive measures taken against these acts. It is regrettable that all of these condemnations and these appeals aimed at achieving a political solution to the question of Kosovo were not heeded.

In spite of this silence, we would have hoped that the Contact Group would continue to use all its authority to compel the Federal Republic of Yugoslavia to sign the Rambouillet agreement, which gave rise to new hopes for a settlement of the situation in Kosovo.

My Government is in principle opposed to the use of force to settle local or international disputes.

Mr. Petrella (Argentina) (*spoke in Spanish*): The attacks by the North Atlantic Treaty Organization (NATO) against Serb targets, which are taking place at this moment, are a source of great concern for Argentina.

Since the peaceful settlement of disputes is one of the guiding principles of our foreign policy, we regret that the intransigence of the Belgrade Government has led to this result, which no member of this Council desires.

Argentina reiterates its position regarding the urgent need for strict compliance with Security Council resolutions 1160 (1998) and 1199 (1998), in which the humanitarian abuses in Kosovo were condemned.

Yesterday the Government of Argentina issued a communiqué in which it emphasized the need to create conditions conducive to a lasting peace, within a framework based on respect for human rights and for the principles of the territorial integrity and sovereignty of the Federal Republic of Yugoslavia, as well as greater autonomy for Kosovo and protection of minorities.

We also wish to say that Argentina profoundly regrets the suffering of the innocent civilian population and any other victims that may result from this situation. But, as we indicated at the beginning, the responsibility lies with the Belgrade Government, since the objective of the military action is to avert a humanitarian catastrophe in Kosovo.

Lastly, we wish to make a sincere appeal to the Belgrade Government to return to the path of negotiation.

Sir Jeremy Greenstock (United Kingdom): President Milosevic has been engaged in repression of the Kosovo Albanians since he revoked Kosovo's extensive autonomy almost 10 years ago. During all this time he has declined seriously to pursue a political solution to the problem of Kosovo, a problem that everyone knew would lead to increased tension and that he, as leader of his nation, held the responsibility for remedying. Instead, he has chosen to use brute aggression against a peaceful population. Where is the outrage at that?

Since March last year, Serb violence against the population of Kosovo has increased massively. Over last summer and autumn, Serbian internal security forces and the Yugoslav army embarked on a series of offensives in western and central Kosovo, which were increasingly characterized by wanton destruction of homes, crops and livestock. Over 2,000 people have been killed in Kosovo since March 1998, and Serb scorched-earth tactics have forced over 300,000 people to flee their homes.

Today, President Milosevic is once again repeating the tactics of the summer, forcing people out of their homes and burning entire villages. In the past month alone he has created more than 65,000 new displaced people. While the Kosovo Albanians were signing the Rambouillet accords in Paris last week, Belgrade substantially reinforced its security-force presence in Kosovo and began a new offensive.

The international community — the Security Council, the North Atlantic Treaty Organization (NATO), the Organization for Security and Cooperation in Europe (OSCE), the Contact Group and the United Nations and its agencies — have sought over the past year to persuade Belgrade to end the suffering it has caused and to agree a political settlement with the Kosovo Albanians providing for a substantial degree of self-government but also respecting the territorial integrity of the Federal Republic of Yugoslavia.

In a series of resolutions, most recently resolutions 1199 (1998) and 1203 (1998), the Security Council has called on Belgrade to end actions against the civilian population and withdraw security forces responsible for repression, to cooperate with organizations engaged in humanitarian relief and to pursue a negotiated settlement. But Belgrade has rejected all of the Security Council's demands, and continues to act in defiance of the expressed will of the Council. In these circumstances, when diplomacy has failed, do we react just with further words?

In October, Ambassador Holbrooke negotiated a package with President Milosevic setting up an unarmed OSCE verification mission and a NATO-led air verification mission. President Milosevic also accepted a commitment to reduce his force levels in Kosovo. But President Milosevic tried to expel the head of the OSCE mission. His forces continued to repress, particularly in those areas where the mission was not present. The massacre at Racak showed his contempt for the mission and for the international community as a whole. And his force levels were, and remain, well above the agreed levels.

In recent months the Contact Group and Ambassadors Hill, Mayorsky and Petritsch, on behalf of

the United States, the Russian Federation and the European Union, have taken the lead in seeking a negotiated settlement. Several months of painstaking shuttle diplomacy led to the talks in February and March at Rambouillet and at Paris on an interim settlement for Kosovo, underpinned by a NATO-led force: a truly exhaustive process. But President Milosevic refused to engage seriously in negotiations on an agreement. His intransigence led instead to the breakdown of the Rambouillet process. Since the ending of the talks, a further 25,000 people have been forced to flee their homes in the face of pre-planned military action by the Yugoslav army.

In defiance of the international community, President Milosevic has refused to accept the interim political settlement negotiated at Rambouillet, to observe the limits on security-force levels agreed on 25 October, and to end the excessive and disproportionate use of force in Kosovo. Because of his failure to meet these demands, we face a humanitarian catastrophe. NATO has been forced to take military action because all other means of preventing a humanitarian catastrophe have been frustrated by Serb behaviour.

We have taken this action with regret, in order to save lives. It will be directed towards disrupting the violent attacks being perpetrated by the Serb security forces and towards weakening their ability to create a humanitarian catastrophe. In the longer term, the International Criminal Tribunal for the Former Yugoslavia, whose mandate extends to Kosovo, will hold those responsible for violations of international humanitarian law accountable for their actions.

The action being taken is legal. It is justified as an exceptional measure to prevent an overwhelming humanitarian catastrophe. Under present circumstances in Kosovo, there is convincing evidence that such a catastrophe is imminent. Renewed acts of repression by the authorities of the Federal Republic of Yugoslavia would cause further loss of civilian life and would lead to displacement of the civilian population on a large scale and in hostile conditions.

Every means short of force has been tried to avert this situation. In these circumstances, and as an exceptional measure on grounds of overwhelming humanitarian necessity, military intervention is legally justifiable. The force now proposed is directed exclusively to averting a humanitarian catastrophe, and is the minimum judged necessary for that purpose.

The focus of our discussion today is the crisis in Kosovo itself. But Belgrade should be under no illusion that we have taken our eye off the ball elsewhere in the Federal Republic of Yugoslavia. We are watching Serb behaviour closely in relation to Montenegro. We have also noted with dismay that the Federal Telecommunications Ministry, backed by police officers, raided Radio B92 on 24 March, closed the station down and detained its editor-in-chief. We condemn this action aimed at further reducing the right of free speech in Serbia.

Allow me to close with the following appeals to the two sides in the dispute. To the Kosovo Albanians our appeal is that they should remain on the path of peace which they chose by signing the Rambouillet accords in their entirety on 18 March. The United Kingdom urges them to show the utmost restraint in the next crucial days. And to the Federal Republic of Yugoslavia our appeal is that it is not too late to show at any time that they are ready to meet the demands of the international community. I strongly urge them to do so.

The President (*spoke in Chinese*): I shall now make a statement in my capacity as the representative of China.

Today, 24 March, the North Atlantic Treaty Organization (NATO), with the United States in the lead, mobilized its airborne military forces and launched military strikes against the Federal Republic of Yugoslavia, seriously exacerbating the situation in the Balkan region. This act amounts to a blatant violation of the United Nations Charter and of the accepted norms of international law. The Chinese Government strongly opposes this act.

The question of Kosovo, as an internal matter of the Federal Republic of Yugoslavia, should be resolved among the parties concerned in the Federal Republic of Yugoslavia themselves. Settlement of the Kosovo issue should be based on respect for the sovereignty and territorial integrity of the Federal Republic of Yugoslavia and on guaranteeing the legitimate rights and interests of all ethnic groups in the Kosovo region. Recently, the parties concerned have been working actively towards a political settlement of the crisis. We have always stood for the peaceful settlement of disputes through negotiations, and are opposed to the use or threat of use of force in international affairs and to power politics whereby the strong bully the weak. We oppose interference in the internal affairs of other States, under whatever pretext or in whatever form.

It has always been our position that under the Charter it is the Security Council that bears primary responsibility for the maintenance of international peace and security. And it is only the Security Council that can determine whether a given situation threatens international peace and security and can take appropriate action. We are firmly opposed to any act that violates this principle and that challenges the authority of the Security Council.

The Chinese Government vigorously calls for an immediate cessation of the military attacks by NATO against the Federal Republic of Yugoslavia. China calls on the international community and on the parties concerned in the Federal Republic of Yugoslavia to make concerted efforts to stabilize the situation as soon as possible and to defuse the crisis so as to bring peace back to the Balkan region at an early date.

I now resume my functions as President of the Security Council.

Mr. Lavrov (Russian Federation) *(spoke in Russian)*: I have already said what my position is. Nothing of what I have heard here has changed that position. In any case, the assertion that the traditional basis for the use of force lies beyond the confines of the United Nations Charter is something that I cannot take seriously. I have set forth my position, and it has absolutely not changed.

But I have taken the floor just to make two factual clarifications, as some of my colleagues have mentioned by way of argument certain events that were not quite presented correctly. I would like to make the facts known, particularly given that this is an open, public meeting at which Members of the United Nations that are not members of the Security Council are present. I must therefore clarify two points.

The first point has to do with some colleagues' mention of the fact that Russia is a member of the Contact Group. That is quite correct, but they went on to say that Russia was a co-sponsor of the package of documents of the Contact Group. That is only partially true. The Contact Group adopted a document in London that is the basis of the draft political settlement. It is also true that that document enjoys the full co-sponsorship of the Russian Federation. With regard to the military implementation, the Contact Group never discussed that document, not because the Russian Federation did not want it to be discussed but because our partners in the Contact Group decided to discuss the military aspects of the implementation of the agreement behind our backs, in the North Atlantic Treaty Organization (NATO) and not in the Contact Group. We were discussing this with our partners in the Contact Group and made offers so that questions about the implementation of the agreement would be the subject of co-sponsorship within the Contact Group. That was not done.

So when they say that Russia is a co-sponsor of everything that was rejected by Belgrade, that is not the true situation. Now, I repeat: our Western partners in the Contact Group decided to prepare and discuss the military aspects behind our backs, and Russia had nothing to do with that proposal. It was the choice of our Western partners to do this.

The second clarification that I wanted to make has to do with the statement made by some of our colleagues to the effect that NATO's actions became inevitable because one or two of the permanent members of the Security Council had blocked action in the Council. That is simply not correct, for one simple reason: no proposals on this topic were introduced in the Security Council by anyone. There was never any draft resolution; there were no informal discussions, not even in the corridors — at least not with one permanent member of the Security Council, namely, Russia. Those discussions never took place. I am not saying what the results of those discussions were, but to state now that one or two permanent members of the Security Council blocked action in the Council is simply, diplomatically speaking, not true.

These are the clarifications I wanted to make so that everyone knows what the facts are.

The President *(spoke in Chinese)*: In accordance with the decision taken earlier in the meeting, I now invite Mr. Jovanović to make a statement.

Mr. Jovanović: Today, the armed forces of the North Atlantic Treaty Organization (NATO) committed a unilateral act of the most brutal and unprovoked aggression against the Federal Republic of Yugoslavia, a sovereign and independent State and a founding Member of the United Nations. The Federal Republic of Yugoslavia has not threatened any country or the peace and security of the region. It has been attacked because it sought to solve an internal problem and used its sovereign right to fight terrorism and prevent the secession of a part of its territory that has always belonged to Serbia and Yugoslavia.

The decision to attack an independent country has been taken outside the Security Council, the sole body responsible, under the Charter of the United Nations, for maintaining international peace and security. This blatant aggression is a flagrant violation of the basic principles of the Charter of the United Nations and is in direct contravention of its Article 53, paragraph 1, which states that,

> "no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council".

Today, NATO was unmasked. It ceased to be a defensive military alliance and became an aggressive military alliance, disregarding its own statute, the Charter of the United Nations, and the Paris Charter of the Organization for Security and Cooperation in Europe (OSCE), as well as the system of international relations based on respect for the sovereignty and territorial integrity of States. By bombing massively and indiscriminately the cities and towns of the Federal Republic of Yugoslavia, NATO has become the air force and mercenary of the terrorist Kosovo Liberation Army (KLA).

The United States of America and NATO must assume full responsibility for all consequences of their act of open aggression, both foreseeable and unforeseeable.

By committing the aggression against the Federal Republic of Yugoslavia, NATO has trampled upon international law and the fundamental principles of international relations by endangering peace and security in the world in the most irresponsible and criminal way.

That is why my Government requested, on the basis of Chapter VII of the United Nations Charter, an urgent meeting of the Security Council. We expect and request the Security Council to take immediate action strongly to condemn and stop the aggression against the Federal Republic of Yugoslavia and to protect its sovereignty and territorial integrity. Until this happens, my country has no alternative but to defend its sovereignty and territorial integrity by all means at its disposal, in accordance with Article 51 of the Charter of the United Nations.

The NATO attacks have been made against my country only because Yugoslavia, as a sovereign and independent State, refuses to allow foreign troops to occupy its territory and to reduce its sovereignty. The excuse for this NATO action was the alleged refusal of the Federal Republic of Yugoslavia to sign the so-called agreement, which had neither been endorsed by all members of the Contact Group nor negotiated with my country. The meetings in France were not negotiations about the autonomy of Kosovo and Metohija, but a crude and unprecedented attempt to impose a solution clearly endorsing the separatists' objectives, under pressure, blackmail and the threat of use of force against my country.

The Government of the Federal Republic of Yugoslavia was and is ready to find a political solution. We give it absolute priority, but we cannot agree to the secession of Kosovo and Metohija, either immediately or after the interim period of three years.

Our delegation had submitted a document on the substantial autonomy and genuine self-government of Kosovo and Metohija on the basis of the 10 principles agreed by the Contact Group. That document is signed by all the members of our delegation. It is fully in line with the highest European standards relating to human rights, democracy and multi-ethnicity. As in the past, we remain committed to a reasonable political settlement of the problems in Kosovo and Metohija that respects the sovereignty and territorial integrity of Serbia and Yugoslavia and guarantees the equality of the rights of all citizens and national communities living there.

If the Security Council does not protect a State Member of the United Nations against such aggression, it will undermine the entire system of international peace and security as we know it. The question is: What has happened to the credibility of the Security Council and who is responsible for maintaining international peace and security? Is it the Security Council or the usurper, NATO? The NATO air strikes have already resulted in heavy destruction and great loss of human life. If this aggression is not stopped immediately and unconditionally, its consequences for peace in the world will be catastrophic.

I call on the members of the Security Council to act swiftly and in accordance with the Charter of the United Nations to condemn this act of aggression and to take appropriate measures to stop it immediately and unambiguously so that all problems may be resolved by political means.

The Government of my country extends an urgent appeal to all States to categorically oppose the current aggression of NATO and the United States of America against the Federal Republic of Yugoslavia. If the

aggression is not stopped, the precedent of such unpunished aggression will, sooner or later, lead to aggression against a number of other, smaller and medium-sized countries. The real question is: Which country is next?

Sixty-five years ago, the Emperor Haile Selassie, whose country was subjected to aggression by Fascist Italy — as the Federal Republic of Yugoslavia is today by NATO and the United States of America — entered history with his prophetic outcry that the League of Nations and international peace would be fatally wounded if the aggression did not stop. The United Nations is at the crossroads today, as the League of Nations was then. I hope that, this time, the United Nations chooses the right path.

The President (*spoke in Chinese*): The next speaker is the First Deputy Minister for Foreign Affairs of Belarus, Mr. Sergei N. Martynov. I welcome him and invite him to take a seat at the Council table and to make his statement.

Mr. Martynov (Belarus): Belarus was among the three States that urged, several hours ago, that an immediate meeting of the Security Council be convened. The President of Belarus issued earlier this morning a statement strongly denouncing the decision of the North Atlantic Treaty Organization (NATO) to use military strikes against a sovereign State.

Belarus stresses that the use of military force against Yugoslavia without a proper decision of the only competent international body, which is undoubtedly the United Nations Security Council, as well as any introduction of foreign military contingents against the wish of the Government of Yugoslavia, qualify as an act of aggression, with all ensuing responsibility for its humanitarian, military and political consequences. Under these circumstances, no rationale, no reasoning presented by NATO can justify the unlawful use of military force and be deemed acceptable.

As a United Nations Member, Belarus is extremely disturbed by the fact that the unlawful military action against Yugoslavia means an intentional disregard for the role and responsibility of the Security Council in maintaining international peace and security.

Let us take a moment and some courage to look into the face of truth. Ignoring the primary and principal body for collective decision-making on maintaining international peace and security — and, in fact, the system itself, which was created and nurtured as a result of the Second World War — means obstructing the system, signing it off and effectively destroying it, thereby ignoring the lessons of the bloodiest-ever war, which the leaders of the Member countries, and above all the permanent members of the Security Council, a generation ago vowed to respect.

It was said today that diplomacy failed. But will lethal military force succeed in fine-tuning a delicate political solution? Is a just settlement in Yugoslavia closer today than it was yesterday?

Belarus calls for an immediate stop to the use of force against and in sovereign Yugoslavia. It calls also for the immediate resumption of the negotiating process on a peaceful settlement, including through the Contact Group efforts. Belarus also insists on restoring the Charter role of the Security Council in maintaining international peace and security.

We are convinced that even now, even today, opportunities for renewing the political and diplomatic dialogue can and must be found on the basis of the sovereignty and territorial integrity of Yugoslavia and of respect for the rights of its ethnic groups.

The President (*spoke in Chinese*): The next speaker inscribed on my list is the representative of India. I invite him to take a seat at the Council table and to make his statement.

Mr. Sharma (India): Earlier today, after it became known that the North Atlantic Treaty Organization (NATO) was contemplating military action against the Federal Republic of Yugoslavia, the Ministry of External Affairs issued the following statement in New Delhi:

> "The Government of India has closely been following developments in Kosovo. It recalls its statement of 9 October 1998 and reiterates that the sovereignty and territorial integrity of the international border of the Federal Republic of Yugoslavia is inviolable. That must be fully respected by all States.
>
> "We are of the firm conviction that the resolution of this crisis can only be through peaceful means, through consultation and dialogue, and not through either confrontation or any military action, unilateral or otherwise. In this regard we wish to reaffirm commitments to the United Nations Charter, which clearly stipulates that no enforcement actions shall be undertaken under

regional arrangements without the authorization of the Security Council."

The attacks against the Federal Republic of Yugoslavia that started a few hours ago are in clear violation of Article 53 of the Charter. No country, group of countries or regional arrangement, no matter how powerful, can arrogate to itself the right to take arbitrary and unilateral military action against others. That would be a return to anarchy, where might is right. Among the barrage of justifications that we have heard, we have been told that the attacks are meant to prevent violations of human rights. Even if that were to be so, it does not justify unprovoked military aggression. Two wrongs do not make a right.

Article 2, paragraph 7, of the Charter stipulates that nothing contained in it would

> "authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State or shall require the Members to submit such matters to settlement under the present Charter".

Kosovo is recognized as part of the sovereign territory of the Federal Republic of Yugoslavia. Under the application of Article 2, paragraph 7, the United Nations has no role in the settlement of the domestic political problems of the Federal Republic. The only exception laid down by Article 2, paragraph 7, would be the "application of enforcement measures under Chapter VII". The attacks now taking place against the Federal Republic of Yugoslavia have not been authorized by the Council, acting under Chapter VII, and are therefore completely illegal.

What is particularly disturbing is that both international law and the authority of the Security Council are being flouted by countries that claim to be champions of the rule of law and which contain within their number permanent members of the Council, whose principal interest should surely be to enhance rather than undermine the paramountcy of the Security Council in the maintenance of international peace and security.

We have heard that the attack on the Federal Republic of Yugoslavia will be called off if its Government accepts what are described as NATO peacekeeping forces on its territory. In other forums, we, along with the entire membership of the Non-Aligned Movement, have repeatedly said that the United Nations cannot be forced to abdicate its role in peacekeeping and that a peacekeeping operation can be deployed only with the consent of the Government concerned. Quite apart from being a violation of Article 2, paragraph 7, of the Charter, a peacekeeping operation forced upon a reluctant Government or population stands little chance of success. Somalia established that. In Somalia, there was at least the excuse that State authority had crumbled, but that excuse does not even remotely obtain in the Federal Republic of Yugoslavia. What NATO has tried to do is to intimidate a Government through the threat of attack, and now through direct and unprovoked aggression, to accept foreign military forces on its territory. There are several traditional descriptions for this kind of coercion; peacekeeping is not one of them.

We have also heard that these attacks are meant to ensure that events in the Federal Republic do not threaten regional peace and security. In fact, there is a very real danger that these attacks will imperil regional peace and security and spread discord in the Balkans and beyond.

In the interests of peace and security in the region, and if the countries now attacking the Federal Republic of Yugoslavia truly have the interests of all Yugoslavs at heart, this arbitrary, unauthorized and illegal military action should be stopped immediately. Domestic political problems have to be settled peacefully by the parties concerned through consultation and dialogue. Foreign military intervention can only worsen matters. It will solve nothing.

We urge NATO to immediately stop the military action against the Federal Republic of Yugoslavia, and we trust that the Security Council will be able to exert its authority to bring about an early restoration of the peace that was broken earlier today.

The President (*spoke in Chinese*): The next speaker inscribed on my list is the representative of Germany. I invite him to take a seat at the Council table and to make his statement.

Mr. Kastrup (Germany): I am speaking as the Presidency of the European Union. I would like to inform the Security Council of the following statement, adopted today by the European Council at its meeting in Berlin. The heads of State and Government of the European Union "are deeply concerned about the failure of the mediation efforts undertaken by Ambassador Holbrooke and the three Rambouillet process negotiators, Ambassadors Hill, Majorski and Petritsch, with the President of the Federal Republic of Yugoslavia, Slobodan Milosevic. The common objective of these

efforts was to persuade the Federal Republic of Yugoslavia to accept a ceasefire in Kosovo and a political solution to the Kosovo conflict, in order to stop a humanitarian catastrophe in Kosovo.

"Over one quarter of a million Kosovars are now homeless because of the repression carried out by Belgrade's security forces. Sixty-five thousand have been driven from their homes in the last month, 25,000 since the peace talks broke down in Paris last Friday. While the Kosovo Albanians signed the Rambouillet Accords, Belgrade's forces poured into Kosovo to start a new offensive. Since the outbreak of hostilities in Kosovo in March 1993, around 440,000 people, more than one fifth of the population of Kosovo, have fled or been displaced. There are new victims every day. The civilian population is the target of the hostilities.

"The international community has done its utmost to find a peaceful solution to the Kosovo conflict. In Rambouillet, and most recently in Paris, intensive efforts have been made, after months of preparations, to negotiate an agreement for the self-government of Kosovo which is fair for both parties to the conflict and which would ensure a peaceful future for Kosovo Serbs as well as Kosovo Albanians and all other national communities. The draft agreement, which was signed by the Kosovo Albanians in Paris, meets these requirements on the basis of the sovereignty and territorial integrity of Yugoslavia. It assures Kosovo a high degree of self-government, guarantees the individual human rights of all citizens in Kosovo according to the highest European standards, envisages extensive rights for all national communities living in Kosovo and creates the basis for the necessary reconstruction of the war-torn region.

"The Yugoslav leadership under President Milosevic has persistently refused to engage seriously in the search for a political solution. It has presented the Yugoslav people with a distorted picture of the issues and course of the negotiations."

I might add that we have also witnessed that tonight in this Chamber.

"In addition, the Serb police and Yugoslav Federal Armed Forces have in the last few weeks massively reinforced their presence in Kosovo, thereby further exceeding the ceilings set out in the Holbrooke-Milosevic agreement of 12 October 1998. Finally, the Yugoslav security forces are conducting military operations against the civilian population in Kosovo in contravention of the provisions of United Nations Security Council resolution 1199 (1998).

"On the threshold of the 21st century, Europe cannot tolerate a humanitarian catastrophe in its midst. It cannot be permitted that, in the middle of Europe, the predominant population of Kosovo is collectively deprived of its rights and subjected to grave human rights abuses. We, the countries of the European Union, are under a moral obligation to ensure that indiscriminate behaviour and violence, which became tangible in the massacre of Racak in January 1999, are not repeated. We have a duty to ensure the return to their homes of the hundreds of thousands of refugees and displaced persons. Aggression must not be rewarded. An aggressor must know that he will have to pay a high price. This is the lesson to be learned from the 20th century.

"Nor will the international community tolerate crimes against humanity. Those now persisting with the conflict in Kosovo should not forget that the mandate of The Hague Tribunal covers Kosovo. They and their leaders will be held personally accountable for their actions.

"We are ultimately responsible for securing peace and cooperation in the region which will guarantee the respect of our basic European values, i.e., the respect of human and minority rights, international law, democratic institutions and the inviolability of borders.

"Our policy is directed against neither the Yugoslav or Serb population nor against the Federal Republic of Yugoslavia or the Republic of Serbia. It is directed against the irresponsible policy of the Yugoslav leadership. It is directed against security forces cynically and brutally fighting a part of their own population. We want to put an end to these outrages. President Milosevic must stop Serb aggression in Kosovo and sign the Rambouillet Accords, which include a NATO-led implementation force to provide stability.

"We urge the Yugoslav leadership under President Milosevic to summon up the courage at this juncture to change radically its own policy. It is

not yet too late to stop the internal repression and to accept the international community's mediation efforts. The international community's only objective is to find a political future for Kosovo, on the basis of the sovereignty and territorial integrity of the Federal Republic of Yugoslavia, which does justice to the concerns and aspirations of all the people in Kosovo.

"The Kosovo Albanians showed their commitment to a peaceful solution by signing the Rambouillet Accords. It is vital that they now show maximum restraint.

"We underline that it is not our aim to keep the Federal Republic of Yugoslavia in its self-imposed isolation in Europe and the world. On the contrary, we would like to end the isolation of the Federal Republic of Yugoslavia in Europe. But for this to happen, Milosevic must choose the path of peace in Kosovo and the path of reform and democratisation, including freedom of the media in the whole of Yugoslavia."

The President (*spoke in Chinese*): The next speaker is the representative of Albania. I invite him to take a seat at the Council table and to make his statement.

Mr. Nesho (Albania): The moment that we are going through is a historic moment for the future of the Balkans, as the international community is intervening in order to stop the humanitarian catastrophe and the tragedy of a nation whose people have been tortured, killed and buried in common graves, a nation that is justly demanding its legitimate rights to freedom and to its very existence — undeniable rights for all peoples. The Albanians of Kosovo, despite all this, made an exemplary decision by respecting the will of the international community and signing the Rambouillet agreement.

For more than 10 years the international community did not succeed in organizing a common action such as the one undertaken today in order to stop the Belgrade regime from creating a new and dangerous crisis in the heart of Europe. The previous inaction was made possible by prolonged discussion as well as by claiming respect for principles — while in reality Europe at the end of the twentieth century witnessed the massacre of Bosnia, of Racak and other places, and more than 300,000 killings and the creation of millions of refugees.

The Republic of Albania totally supports the military action by the North Atlantic Treaty Organization, and we consider it an action in support of peace and stability in the region. My country strongly supports today's action, just as we were in favour of a peaceful solution, which did not seem to come.

Today the international community did not declare war on Serbia, because war had existed there for a long time. But the international community did achieve the first step towards peace, security in the region and the re-establishment of human values and of the principles that are so well expressed in the Charter of the United Nations — principles in which we all believe.

No country that tried to bury the basic Charter principles of peace, security and cooperation, and that committed genocide and crimes against humanity, can expect to receive the protection of the United Nations and the Security Council.

The President (*spoke in Chinese*): The next speaker is the representative of Bosnia and Herzegovina. I invite him to take a seat at the Council table and to make his statement.

Mr. Sacirbey (Bosnia and Herzegovina): Military force is never a welcome option, but it is sometimes the best, the only alternative among many bad options. It may be the only option available to save innocent lives.

Of course there was a better option, but despite the efforts of many — in Paris, London and Washington, and the efforts of the other members of the Contact Group — the Belgrade regime has shut the door on this alternative. Here I would like to take the opportunity to commend the tireless efforts of the representatives of France, the United Kingdom, the United States and many others who have at least brought about the signature of one party to this conflict: the Kosovar Albanians. We encourage them to continue their tireless efforts.

Now Belgrade seeks the sanctuary of the Security Council to hide its own blatant responsibility. A country that has unleashed its brutal war machine against its own civilian population cannot now cry victim when the international community steps in to prevent further ethnic cleansing and genocide. A country that has most recently engaged in aggression and military intervention against its own neighbours, that has committed genocidal acts against its own population and others, that has refused to adhere to international law and numerous Security Council resolutions or to cooperate with the Tribunal for the former Yugoslavia cannot now credibly plead for the

protection of international law. This indeed turns on their head morality, legality and the principles for which this institution, the United Nations, stands.

As for those who disdain today's military steps directed at Belgrade, they should ask themselves whether more talks would have produced a result? So far, ethnic cleansing has only worsened. We in Bosnia and Herzegovina would still be suffering the consequences of war — war itself — if no action had been taken in the fall of 1995. For three and a half years in Bosnia and Herzegovina, people promoted talks, and for three and half years, the war, the genocide, the aggression and the ethnic cleansing continued. Only after military intervention took place did diplomacy succeed. Only once the obstacles to peace were convinced to stop the war in Bosnia and Herzegovina did we in fact achieve peace.

Even the peace process in Bosnia and Herzegovina was endangered by the continuing escalation of the war and the ethnic cleansing in Kosovo. Radicalism, nationalism and ethnic cleansing were once again gaining the upper hand in our region. These unfortunate events were a real threat, and were a real concern to us in Bosnia and Herzegovina.

Nonetheless, I think that we should remember that today's military steps place many lives in danger. We pray for the safety of those who are now intervening to bring about an acceptance of peace. We pray for the innocent Kosovar Albanians, who are already endangered by Belgrade's military campaign and who are fleeing their homes. And we pray for the overwhelmingly innocent Serbian population.

We recall that, even as today's dramatic events unfolded, the Belgrade regime took final steps to shut down all remnants of the free media and to bring internal repression to a new height against Serbs, Albanians, Hungarians, Montenegrans and Bosniacs alike. But we cannot ignore the fact that today's military action also brings greater immediate physical risk to all the people in Serbia. We hope that the military action will be short-lived and that by some miracle the current leadership in Belgrade will come to its senses.

I would like members to recall that to cement peace in Bosnia and Herzegovina we invited the international military Stabilization Force (SFOR) onto our sovereign territory. I am not certain why Belgrade fears these international peacekeepers on its own soil while we in Bosnia and Herzegovina have welcomed them. We too are a sovereign State — by the way, a State that has offered its own forces to help maintain the peace in Kosovo. When I say its own forces, I mean forces both from Republika Srpska and from the Federation of Bosnia and Herzegovina. Is it that there is a difference in motivation and desired result in the two capitals? We have opted for peace.

Pompous pride and nationalist stubbornness are not the answer. The key, the options for peace, do not lie in New York or in Washington or in Brussels but, in fact, in Belgrade and in Serbia. We hope that this message gets back to them.

Mr. Türk (Slovenia): My delegation has listened very carefully to this important discussion relating to a subject which is not an easy one for any among us, and we heard the categorical words uttered by some concerning the question of the use of force by States. It is true that sometimes force is used without an explicit basis in Security Council resolutions. This is not a new phenomenon. It may be different from the kind of perfect world which we would all like to have, but it is a part of reality.

I would like to refer to only one historical example. In 1971, in Asia, a State Member of the United Nations used force in a situation of extreme necessity. That was a case of the use of force without the authorization of the Security Council and without reference to legitimate self-defence. Nevertheless, the situation of necessity was very widely understood in the international community. I think that the historical lessons that can be drawn from that example should not be completely ignored today.

I would also like to say something about Security Council resolutions: resolutions 1199 (1998) and 1203 (1998), which are applicable law in the case discussed today. The situation in Kosovo is defined by the Security Council as a threat to international peace and security in the region. This defines that situation as something other than a matter which is essentially within the domestic jurisdiction of a State. In other words, Article 2, paragraph 7, of the Charter clearly does not apply.

Of course, resolutions 1199 (1998) and 1203 (1998) could be clearer, and one might have hoped that such resolutions would develop more completely the responsibility of the Security Council for the maintenance of international peace and security. Those of us who participated in the drafting of those resolutions know very well that the original draft texts were intended to do

precisely that, and that, because of differences of views among permanent members, it was not possible to provide in those resolutions a sufficiently complete framework to allow for the entire range of measures that might be necessary to address the situation in Kosovo with success. That is another example of an imperfect world.

I would like to make one more point by way of conclusion. The responsibility of the Security Council for international peace and security is a primary responsibility; it is not an exclusive responsibility. It very much depends on the Security Council, and on its ability to develop policies that will make it worthy of the authority it has under the Charter, whether the primacy of its responsibility will actually be the reality of the United Nations.

The President (*spoke in Chinese*): There are no further speakers. The Security Council has thus concluded the present stage of its consideration of the item on its agenda. The Security Council will remain seized of the matter.

The meeting rose at 8 p.m.